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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,896

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Kaoru Yokota

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT

PAPER NUMBER

2622

NOTIFICATION DATE

DELIVERY MODE

04/02/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/578,896

Applicant(s)

YOKOTA ET AL.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 and 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant's election without traverse of claims 1-11 and 19-22 in the reply filed on 01/14/2010 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-11 and 19-22 rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (US Patent # 6,853,750).

[Claim 1]

A digital camera comprising (col. 4 lines 23-28): an imaging unit (CCD, col. 4 lines 37-41) operable to generate an image by photographing an object; a receiving unit (blinking light decoder 704 in figure 8) operable to receive information relating to image processing from one or more transmission devices (subject 803 has a tag 802 in figure 10) and a judging unit (video processing device 706) operable to judge whether the image is to be output or not, based on the information received by the receiving unit and an output unit operable to, in accordance with the judgment made by the judging unit, output the image to a memory, or discard the image, the memory being readable by the digital camera (col. 5 lines 5-9, col. 7 lines 10-48, specifically col. 7 lines 40-48)

[Claim 2]

The digital camera of Claim 1, wherein the judging unit further judges whether the image is to be processed or not, and the output unit outputs the image to the memory without processing, or processes and outputs the image to the memory, in accordance with the judgment made by the judging unit (col. 7 lines 40-57).

[Claim 3]

The digital camera of Claim 2, wherein the receiving unit includes: a first receiving unit operable to receive first information from a first transmission device; and a second receiving unit operable to receive second information indicating image modification corresponding to the object from a second transmission device, the judging unit makes the judgment based on the first information, and if the judging Unit judges that the image is to be processed and output, the output unit performs the image modification indicated by the second information on the image, and outputs the modified image to the memory (col. 7 lines 40-57).

[Claim 4]

The digital camera of Claim 3, wherein the output unit performs the image modification to make the image visually distinguishable (col. 7 lines 40-57).

[Claim 5]

The digital camera of Claim 4, wherein when the second receiving unit receives the second information, the judging unit examines whether the first receiving unit has received the first information, and if the first receiving unit has received the first information, the judging unit judges that the image is to be processed and output (col. 7 lines 40-57).

[Claim 7]

The digital camera of Claim 3, wherein when the second receiving unit receives the second information, the judging unit examines whether the first receiving unit has received the first information, if the first receiving unit has received the first information, the judging unit judges that the image is to be output without being processed (col. 7 lines 40-57).

[Claim 8]

The digital camera of Claim 3, wherein when the second receiving unit receives the second information, the judging unit examines whether the first receiving unit has received the first information, if the first receiving unit has received the first information, the judging unit judges that the image is not to be output (col. 7 lines 40-57).

[Claim 9]

The digital camera of Claim 3, wherein the first transmission device is a gate which prestores the first information, and through which a user carrying the digital camera passes, and the second transmission device is an IC tag which prestores the second information, and which is attached to, hung around, or provided near the object (col. 7 lines 40-57).

[Claim 10]

The digital camera of Claim 9, further comprising: a driving unit operable to, when detecting that a shutter release button included in the digital camera is pressed down, cause the imaging unit and the second receiving unit to operate concurrently

[Claim 11]

The digital camera of Claim 10, wherein the digital camera has a function as a mobile telephone for performing radio communication (col. 4 lines 48-54).

[Claim 19]

A digital camera system (col. 4 lines 23-28) including a digital camera that photographs an object, and a first transmission device that is attached to, hung around, or provided near the object, the digital camera comprising: an imaging unit (a camera inherently has an imaging unit) operable to generate an image by photographing the object; a receiving unit (blinking light decoder 704 in figure 8) operable to receive first information relating to image processing corresponding to the object, from the first transmission device; a judging unit (video processing device 706) operable to, based on the first information, judge whether the image is to be output without being processed, the image is to be processed and output, or the image is not to be output; and an output unit operable to, in accordance with the judgment made by the judging unit, output the image to a memory without processing, processes and outputs the image to the memory, or discards the image, the memory being readable-by the digital camera or an external device, and the first transmission device comprising: a first storing unit prestoring the first information; and a first transmission unit operable to transmit the first information to the digital camera (col. 5 lines 5-9, col. 7 lines 10-48, specifically col. 7 lines 40-48).

[Claim 20]

The digital camera system of claim 19, further including a second transmission device the second transmission device comprising: a second storing unit prestoring second information relating to image modification; and a second transmission unit operable to transmit the second information to the digital camera, wherein the receiving unit further receives the second information from the second transmission device, when a user carrying the digital camera passes through the second transmission device, and when the judging unit judges that the image is to be processed and output, the output unit performs the image modification indicated by the second information on

the image, in addition to the image processing indicated by the first information, and then outputs the modified image to the memory (col. 5 lines 5-9, col. 7 lines 10-48, specifically col. 7 lines 40-48).

[Claim 21]

The digital camera system of claim 20, wherein the digital camera has a function as a mobile telephone for performing radio communication (col. 4 lines 48-54).

[Claim 22]

The digital camera system of claim 21, further including a terminal that generates a warning sound, the terminal being provided near the object, wherein the digital camera sends a signal to the terminal, concurrently with the generation of the image by the imaging unit, and the terminal comprises: a signal receiving unit operable to receive the signal from the digital camera; and a sound generating unit operable to generate a warning sound, when the signal receiving unit receives the signal (col. 10 lines 9-16).

Allowable Subject Matter

1. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622